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WHOLE NO. 357

The Philanthropist,
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CINCINNATI.

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M. W. HOPKINS,
May, 27th 1843.

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JOHN JOLLIFFE,
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OFFICE, Third st., between Main and Sycamore, opposite the Post Office Cincinnati.
He will practice in Clermont and Hamilton counties, and continue to practice in Brown, until his business in that county shall be closed.
Dec. 27, 1842. 18-1f

WILLIAM BIRNEY,
Attorney at Law, Cincinnati, Ohio.
WILL attend promptly to the collection of claims, to cases in Bankruptcy and all other professional business which may be confided to his care, in the County, State and Federal Courts.
Office, Main Street, between 6th and 7th, opposite Gano. Feb. 24, 1843.

JAMES G. BIRNEY, Attorney and Counsellor at Law, Saginaw City, Michigan.
J. G. Birney will act as Land Agent in the land district in which this (Saginaw) County is. He will make investments for others in lands; pay over for non-residents their taxes, and give information generally to persons interested in this part of the country, or desirous of becoming immigrants to it.
Saginaw, July, 1842. 51-1f

D. RAYMOND & M. DUMPROFF.
Have associated themselves in the practice of the law. Their office is in Court st., between Main and Walnut south side.

HENRY STARR.—Attorney and Counsellor at Law, Office, South East corner of Fourth and Main streets.
July 9th 1842. 51-1f

ALLEN & LANCASTER.—Attorneys at Law N. W. corner of Main and Seventh streets Cincinnati.
July 9th, 1842. 51-1f

JOHNSON & JONES, Attorneys and Counsellors at Law, Office, S. E. corner of Fifth and Fourth streets, entrance on Main street.
July 9. 51-1f

CHABRE & BALL. Attorneys at Law, East third street, Cincinnati.
July 9, 1842. 51-1f

EDWARD KENNA, Attorney at Law. Office on Main street, East side, three doors above 3d.
July 30, 1841.

MASON WILLSON.—Attorney and Counsellor at Law. North East corner of Columbia and Main street.
July 9th, 1842.

State of England.
Correspondence of the Cincinnati Gazette.
LIVERPOOL, June 28, 1843.

Messrs. Editors:—We have during the past week, seen a great deal of action and reaction, of ominous movement among the masses in England, Scotland and Ireland, almost without a parallel in our history. The administration is dominated by a concentration of evil, partly fortuitous, and partly owing to their own policy, a storm which resembles the natural typhoon, and dark lowering clouds are clustering around them in the midst of their parliamentary majorities and uncounted elections. With the result of the budget and their financial failure we are probably already acquainted; but have not probably heard of the fate of the plan of national education, surnamed "the Factories Act." As the income tax showed in its results the immense increase in national wealth that had taken place since the war, so the opposition to the measure (the Factories Bill) has developed the strength of the nonconformists in the country, and excited the warmest hopes in the minds of every lover of civil and religious liberty. The open and undisguised manner in which proselytes were to be made by the regulations of that bill, has united all parties and sects in religion in bitter and uncompromising hostility. Every town and village has been alive, every pulpit has given the watchword, the blood of nonconformity is up. The bill has been modified & a little softened in its exclusiveness, but it is serpent-like still, though with a new skin. In three weeks, more than 2,000,000 signatures have flooded the House, and though Sir James Graham has declared his intention to take the sense (dose homoeopathica) of the House upon it after Whitsuntide, it will never pass.

The League is now the focus of political and commercial attraction. For the first time in its history it is sitting in the shadow of the houses of Parliament, and its influence is not only felt, but its power is being felt. It is now on the eve of its full, inflated, bursting point; but its triumph is near and sure. For more than an hour the other day did its leader, Richard Cobden, Manchester calico printer, hurl at the long rows of rent receivers, landlords, sordid and bitter as they were deserved, with not a solitary voice to utter a reply. The motion was for repeal, total and immediate. The Irish members were absent almost to a man. But a year had increased the minority by 30. In the meantime Cobden and his colleagues are indefatigable, flying by the railways to every corner, now among the farmers in a rural country, now on the platform of Drury Lane Theatre, "instant in season and out of season," and stirring up indignation among the people, and multiplying among the farmers, against the new Corn Law. The ministry have their ears dimmed and their attention occupied with its daily and hourly revenue. Villiers' motion was hardly settled when they brought out their Canadian Bill, a wretched hoax which you will find thoroughly settled in the Examiner. This has alienated their friends and gained over no foes. Then Lord John has given notice that after Whitsuntide he will move that the house go into Committee on the Corn Laws, and thus unite all men who are against the sliding scale. This will be the test of ministerial power, and perhaps give us some idea of its probable duration, especially when viewed in connection with the revenue. An unrelenting court, an alienated people, a declining revenue, will yet, and soon, drive them from power.

To the dark cloud in Scotland there is a silver lining indeed. The separation has taken place, and the only religious establishment of comparative purity in the world is rent to its very heart. It was incurable, it was religion and civil rule in alliance, it was a lie, it was current 150 years, but it had in itself the seeds of death. The city of Edinburgh was the scene of this movement, so big with importance to every nation in Christendom. The Assembly met in all the array of intellect, of calm judgment, representatives of the deepest thinkers and most active workers in the world. The moderator rose, read a protest, and then there rose and left the hall with a slow and steady step all its proud ranks of talent and real strength, its truest and most valuable members, forever. A vast crowd lined the streets, a sea of faces with strained and fearful eyes, as they walked arm-in-arm to their appointed place, and with Chalmers and Candlish at their head constituted the Free Presbyterian Church. No less than 400 Clergymen have thus given up their all and thrown themselves on the world, and as if to respond to so daring a movement nearly a quarter of a million sterling has been subscribed for their support and the building of new churches. To explain the various steps of this separation I send the Albion, and from it you will see how much Peel's government, though innocent in this, will suffer in the estimation of its supporters in Scotland.

The mass of corruption on this side the Tweed is fast going too, but from a different cause. In Scotland, the overturning power is democracy in its claims for the free election of a pastor. Here the Church rests on tyranny. Distant would seem to be the day when there shall be a shaking among those dry bones. But priestly power could bind up truth, dismember a lie in its very efforts to preserve it, and Puseyism is every day creating a wider breach in Episcopacy. Considerable sensation has been created in the last day or two by Dr. Pusey's sermon on transubstantiation, another step backward.

But the darkest cloud would seem to be, after all, in the West. Two years of Tory Government has developed in Ireland an agitation of a more formidable character as far as regards numbers, than any since that which carried Emancipation. O'Connell is a giant once more, and the people gather round him to the number of hundreds of thousands. He goes through the country as if it were for the first time, and the legislative union, a victory recently for real evils. A few weeks, certainly not a month, has blown it up to an importance sufficient to tell upon the Funds. Governments have fanned the flame by their own folly, suspending from the magistracy the adherents of the new movement, though legal and constitutional; and making violent speeches in the house, the most decided of which was from old Wellington. Troops are being sent over, forts are being repaired. No body yet knows the issue, but there is all to fear, not from the Irish, but from the minister who will, it is thought, have recourse to violence to check the movement. In the meantime O'Connell preaches peace and repeal to a quarter of a million at once. Time will develop much of the deepest interest.

Books are rare, but the book of the day, eye of the century, too, will have found, I presume, its thousands of readers among you already—I mean *Past and Present*, by Carlyle. It should do America good as well as us. A state of question in money getting there is not so hot as he describes it to be, but it is purgatory if it is not well. That man, my dear Sir, has a soul that would move a world with its lever of infinite desires stretching beyond the feeble span of life and petty cares of time. He can almost make us love his quaint garb of language and manufactured words. I could dwell longer upon this great book if I had space and opportunity. A second Swedish novel, "Home," has appeared, interesting but not so much so as the first.

Business improves daily under the influence of a repetition of money and cheap food, and will, continue to do so, not checked by the weather, which is bad. Every article is lower than before, which is bad. Cotton wool and silk; iron sells below £3 per ton for Pig, that trade, however, being much depressed.

Ohio and Kentucky.
The opinion of the Supreme Court of Ohio, in the case of Eckert vs. Turner, argued at last term in Cincinnati, by Mr. Chase for plaintiff, and Messrs. Wright and Coffin for the defendant, has given rise to some newspaper animadversions. The Lexington Intelligencer is quite scandalized that the Supreme Court of Ohio should dare to assert the exclusive jurisdiction of Ohio over a boat and persons upon it, float on the river and made fast to the Ohio shore, and the Cincinnati Gazette contends with the Kentucky paper in pronouncing such a claim untenable. We think the Supreme Court right, and not only so, but we maintain that the line between Kentucky on the one side, and Ohio, Indiana & Illinois on the other, is the centre of the Ohio river. We will give the grounds of this opinion.

It is admitted that when two States are erected out of one, on the opposite sides of a navigable stream, and nothing is said about the boundary, each holds to the middle of the river. Now the history is this. The original charter of Virginia granted to the London Company all the land extending along the Atlantic coast from hundred miles northward and southward from Cape Comfort "and up to the land through-out from sea to sea, west and north-west." This grant comprehended in its terms not only all that is now Kentucky, Ohio, Indiana and Illinois, but nearly all Missouri and Iowa and the territory west, including the greater part, if not the whole, of Oregon.

Afterwards, however, grants were made within their limits to Lord Baltimore, William Penn, Lord De La War, and others, the validity of which was not questioned. In 1624 the charter of the London Company was declared forfeited by a judicial proceeding, and the grant was resumed by the Crown. Besides this, the French took actual possession of the regions west of the Alleghenies, and established a chain of forts, extending from Presque Isle and the sources of French Creek, within the present limits of Pennsylvania, to the mouth of the Mississippi. By the treaty of Paris, in 1763, between France and England, all the territory east of the "Mississippi" was ceded to England. In the same year the English Government, by proclamation, declared the territory west of the sources of the Alleghenies rivers, to be reduced under the sovereignty, protection and dominion of the King, and prohibited all settlements within it.

Thus the title of the London Company was extinguished, and the colonists in Virginia, who were themselves the grantees of the Company, could claim none better. And when the vacant territory was conquered by the common exertions of the U. S. in the Revolutionary War, from Great Britain, the territory, upon every principle of justice, became the common property.

Virginia, however, set up an exclusive claim; which was met by the exclusive and just claim of Congress. Virginia at length proposed to compromise, by surrendering her claim to the territory northwest of the river, provided Congress would guarantee to her the territory southeast of the river, which is now Kentucky. Congress declared itself ready to accept the cession, but refused the guarantee, and finally Virginia ceded, without it. Not long afterwards the territory not ceded, was erected into the State of Kentucky, and admitted into the Union, and the controversy in regard to vacant territory was thus put at rest.

Upon this state of fact it seems plain that the States northwest of the river may claim its entire but with much more show of reason than Kentucky; but as the States on both sides derive their titles from the same sources, and their territorial limits are prescribed by the same authority, and all are bounded on the river, and nothing is said about any being limited by the bank or low water mark, it follows one would think, beyond all cavil, that the middle of the stream must be the real boundary.

What say the Lexington Intelligencer and the Cincinnati Gazette to this?

A Rare Old Man.

DIED, in this city, on Friday evening, the 2d instant, JOHN CARY, in the 114th year of his age. This is the same "Old John," of whom some notice was taken in the Intelligencer last winter, when a joint resolution was pending before Congress to grant him a pension. He was born of African parents, in Westmoreland co., Virginia, in August, 1729, two years and a half before the birth of General Washington, and in the same county. Had he lived two months longer, he would have reached the full age of 114 years.—He accompanied Gen. Washington as his personal servant in the old French war, and was with him in the battle of the Monongahela of July 1755, where Gen. Braddock was defeated and slain, and where Washington, by his ability and prudence, covered the retreat and saved the remnant of the British Army, and laid the foundation of his future military fame.

In the war of the Revolution, John followed to the camp and to the field his old commander, sometimes as a personal attendant and sometimes in the ranks of the army, and continued with him till the termination of hostilities. When retiring from the army, General Washington presented "Old John" with a military coat, the same which the General had worn at the siege of Yorktown, as a token of his appreciation and esteem. This coat John carefully preserved as a sacred memento; and though in his old age reduced to extreme poverty, no money could ever tempt him to part with it.—He wore it as a dress coat till within the last fifteen years of his life, and has left it as his richest earthly treasure.

After the war of the Revolution, John resided for several years in Westmoreland county, where he became a devoted member of the Baptist Church. Thence he removed to this place, and for the last twenty-eight years of his life was a member of the First Baptist church in this city. He was ardent in his patriotism and attachment to his country's Father, the great Washington. He was still more ardent in his piety and devotion to God his Eternal Father and Redeemer. His life was unspotted, and his death was unclouded. He met without dread the King of Terrors, and passed the vale of death without alarm.

Nat. Intelligencer.

For the Philanthropist.

Mobs—Justice, &c.

MR. EDITOR:—A friend has just called my attention to a communication in your paper of the 21st of June, headed "Mobs," and signed "Justice," in which are several erroneous statements, concerning the Trustees of the "Asbury station, Cincinnati," which I ask of you the "justice" to allow me to correct.

After some statements and reflections about mobs at Clevel., the writer adds, "I cannot so much blame these poor deluded tools of others; they are but enforcing the principles of the leaders of churches." And then to illustrate those "principles" by example, he shows up the alleged doings of an obscure band of trustees of a small church, in a corner of Cincinnati, thus:—"A portion of the M. E. church in Asbury station, Cincinnati, asked leave to meet in one of the rooms of that church to pray for the slave; Rev. J. F. Wright, of the M. E. Book Concern, a kind of an ecclesiastical treasury, was a trustee and succeeded in securing them out." A private room was provided, and the preacher asked to read a notice of the time and place of holding a Wesleyan anti-slavery prayer meeting. The same J. F. Wright succeeded in preventing even a notice of the kind being read, and he is a kind of secretary of the church treasury, and can exert an extensive influence for good or evil.

"The church to be sure might elect other trustees, but this board have adopted a set of rules or bye laws that takes the election away from the members entirely, and confines it to the preacher and present board, leaving no relief except by application to the legislature to compel an annual election of trustees; but to allow the democratic practice of election to prevail, might let in an anti-slavery board, and so the legislature will and even ecclesiastical tyranny rather than allow a chance for the voice of Liberty."

Now, it is not true, (as I am informed,) that the trustees of Asbury chapel were "asked leave to meet in one of the rooms of that church to pray for the slave." And of course, it is not true that the Rev. J. F. Wright succeeded in shutting them out.

It is not true that "the same J. F. Wright succeeded in preventing even a notice being read," by the preacher. "Of the time and place of holding a Wesleyan anti-slavery prayer meeting," in a private room. The question about reading such a notice was presented to the board and decided, while Mr. Wright was several hundred miles distant, attending conference. It is true, that some two or three months afterwards, when the board considered the request of a few brethren that the order be rescinded, Mr. Wright was present and voted against rescinding.

But who are the "Wesleyan Anti-slavery Society?" The church neither knows nor recognizes such association. It is an interpolation upon her institutions—extra-judicial, and uncalled for. And the trustees, in declining to give official aid to this new organization, acted no doubt according to their best judgment, with a sincere desire to promote the interests and peace of the Society.

It is not true that "this board [of trustees] have adopted a set of rules or bye laws that takes the election away from the members entirely, and confines it to the preacher and the present board." On the contrary, the facts are, under the provisions of the act of incorporation, the board was elected by the society of Asbury station; and the "rules or bye laws" in virtue of which it exists and is governed, were established by the society themselves, at a public meeting thereof, on the 2nd of July, 1840, convened by public notice in the church. What "justice," then, is there in thus slandering the board, and arraigning them before the public for "ecclesiastical tyranny?"

And why is Mr. Wright singled out as the prime mover—the master spirit, in these alleged proceedings, and made the scape goat to bear away the imputed sins of the board? I dare say the members of the board will duly appreciate the sin and responsibility of their misdoings. But it is not evidently the intention of "Justice" to cast odium upon the ministry; to fix upon them the charge of "ecclesiastical tyranny" of supporting slavery, and encouraging mobs!

"Justice" informs us that "the M. E. Book Concern is a kind of an ecclesiastical treasury," and that "the same J. F. Wright, is a kind of secretary of the church treasury." Is not this "darkening counsel by words without knowledge?" What quarrel has "Justice" with the Book Concern? Is he displeased with the great good which it is doing by the fertilizing streams of sacred religious knowledge, which flow from it into every part of our country? Or is he offended with that noblest of charities to which all its profits are devoted—namely, to aid in the support of the worn-out and aged ministers of the gospel, and their widows and orphans? Again, What does he mean by the "Secretary of the church treasury"—the important office with which he invests Mr. Wright, and by which he "can exert such extensive influence for good or evil?" Mr. W. must doubtless be "a kind of secretary of the Treasury Department of the church, corresponding to the similar office in our national government; and of course he is proud of his 'blushing honors.'" But then, the church has no such "treasury"—it has no such office! "So transtic gloria mundi!"

I might notice several other objectionable passages in "Justice." But I must close. It appears that he is a Methodist. He ought, then, to understand the institutions of his church better before he writes for the public information about them. And he should show his love to the brethren in a very different way, than by dagging them before the public on false charges,—and that too, in a print known to be unfriendly to the "church of his choice." He has broken its rules, in "bearing false witness against his neighbor," and to his own conscience I leave him.

Equity.

Equity will permit me to say that I am not unfriendly to the M. E. Church, or any other church, any further, than their policy or principles conflict with the claims of freedom and justice.

Ed. Phil.

For the Philanthropist.

Liberty Meeting in Indiana.

At a meeting held on the 23 and 24th of June, 1843, in Abington, Wayne county, Indiana, according to previous notice, Dr. W. J. Maclach was called to the chair, and Mr. James Thomas was appointed secretary.

During the meeting a variety of business was transacted; and a number of very appropriate addresses delivered, by Dr. Castles, Mr. Whitrow, Mr. Thomas, and others. The following preamble and resolutions were presented, debated and passed unanimously.

PREAMBLE.
Whereas the public mind has been egregiously abused in regard to our political creed, by interested aspirants to office and uninformed individuals; and whereas the hue and cry of unequalled abolitionism has been raised against us on all occasions, for the purpose of closing the public ear against our political doctrines; and whereas we pronounce no new doctrine—desire to form no new party, but reiterate the Democratic doctrines of our Revolutionary fathers, and wish to revive the old Liberty party of '76; and whereas we occupy the same ground on which Hancock, Washington, Franklin, Jefferson, and all the great statesmen of our political worthies stood, in the times that tried men's souls, when in the awful and august presence of Almighty God, and invoking the aid of the sincerity of the sincere, they proclaimed to the world—the family of nations, the great, the fundamental truth of human equality and freedom, contained in that unequalled human production, the Declaration of Independence, and the U. S. Constitution; and whereas the idea that slavery is the foundation of civil liberty, was then unborn, and the engines of torture were not then invented, to force, if possible, the page of inspiration to depose in favor of the domestic institution.—We of course cannot be expected to understand, or defend this newly discovered principle. But we will not allow our did attention of our fellow citizens of every name, to the principles which we profess, and the objects which we have in view, confidently hoping that they will exercise sufficient liberality to allow us to exhibit our own principles, and state our own objects. And after they have given them their candid and serious consideration—if they devise no better plan to promote the general welfare of our beloved country, we ask their united efforts in endeavoring to diffuse the greatest quantity of human happiness to the greatest number of individuals. We therefore submit to their consideration, the following resolutions:

Resolved, That we, in imitation of our Revolutionary fathers, inscribe on one side of our political banner, this motto:
"We hold these truths to be self-evident, that all men are created free and equal; that they are endowed by their creator, with certain inalienable rights; that among these are Life, Liberty and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." And on the other side, Virtue, Omnipotent Truth, Justice, Liberty, Humanity, Equality. No elevation but virtue. No depression but vice. Under these ample folds, industry and morality may safely repose, while the foe of the indolent finds no room there on which to rest. This merited, let us unfold our banner and commit it to the breeze, there to float until Jehovah's blessing crowns it with triumphant success.

Resolved, That whatever despots and tyrants may teach to the contrary, we regard general intelligence as the strongest bulwark of Liberty, and that no form of pure republican government can long exist without it; therefore we hold that a system of education should be adopted, that would insure to every child in the State a good English education; and furthermore we hold that a system should be adopted by Congress and the State Legislatures, by which all the public documents should be thrown within the domicile of every household, and the length and breadth of the U. S., however humble that dwelling might be.

Resolved, That let it emanate from what source

it may, we will never believe the assertion that it is necessary or compatible with a free government to infringe on the freedom of speech, or the liberty of the press, the right of petition, or the right of trial by jury. None but tyrants and despots could ask such concessions, and none but slaves can make them.

Resolved, That we strenuously maintain the doctrine long advocated by our southern brethren, that inasmuch as Congress possesses no power but what is expressly delegated to it by the states or the people in the U. S. Constitution—and inasmuch as the slave states positively refused to delegate any power to it relative to the institution of slavery, therefore it cannot constitutionally exercise any control or authority over that institution within the territory of the states.

Resolved, That we maintain the doctrine of our southern brethren, that slavery is purely a domestic institution. Congress can constitutionally take no action on it. The free states can exercise no authority or control over it. If ever it is necessarily abolished, it must be abolished by the legislative authority of the states in which it exists. We claim no right to interfere with the laws of the slave states. We regard each state as a distinct sovereignty, united to the other states of the Union by the general government for mutual defense.

Resolved, That while with the most perfect freedom, we concede that we have no right to interfere with slavery, or the slave laws of the states, we claim the right to use every most strenuous exertion to prevent the importation of slavery, the slave laws, or the evils and effects of slavery into our own state.

We ask to be free from the taxation for the support of slavery. We ask to be governed by our own laws. We deny that the slave states possess any right of property in us, or right to rule over us, by extending their laws into our territory, or beyond the limits of their own state. We deny that the slave laws possess vitality when extended beyond the land of slavery, the land that gave them birth.

Resolved, That we profess to be law-abiding citizens. We will never be found placing ourselves at the head, or entering into the ranks of a lawless mob, for the purpose of opposing with brute force, that which we are unable to meet with sound arguments. But we ever intend to render the most prompt obedience to the constitution, and laws of the United States, and the state in which we live, provided only that those laws do not conflict with each other, or the laws of Heaven.

Resolved, That inasmuch as the constitution of this state declares that slavery or involuntary servitude cannot exist, but as a consequence of usurpation and tyranny, therefore we, as lovers and admirers of our free constitution, are compelled to regard all those who, in any way countenance, advocate or defend slavery, as usurpers, tyrants and enemies to the free government under which we live. Otherwise we would deny and falsify this declaration of our constitution.

Resolved, That while we ask for no undue advantage over our brethren of the south, or partial legislation in favor of free labor, yet we do think that we have a right to a "fair shake" with our friends of the south. We cannot see why we should in effect have all the foreign ports in the world closed against our products, for no other purpose than to enable the southern planters to purchase of us for a "song," while the same ports afford the best market for the products of the south.

Perhaps our brethren of the south, who have charge of the diplomatic and commerce of the country may be able to answer the question; and thus reconcile us to the present pecuniary embarrassments under which we are all laboring.

Resolved, That while we possess more territory, a greater population, and far more intelligence than the south, we can see no good reason why we, after refusing to be governed by or receive laws from the hands of Mother England, should submit tamely and without a murmur to receive laws from, and be governed by her daughter. The spirit inherited from our revolutionary fathers forbids it.

Resolved, That we deprecate the practice so common among office seekers, of calling up one part of community, and after feeding them on the most fulsome flattery, hissing them on another part of community equally useful, and therefore equally respectable—for the vile purpose of elevating themselves to office.

Resolved, That we can see no good reason why the office holder, who is nothing but a servant of the people, should "fare sumptuously every day," that he should riot in luxury, while the hard working laborer is ground down to the dust, in order to support him; therefore we think it right to reduce the salary of each office holder so as to place him on a perfect level with the honest industrious farmer, who occupies his post between the handles of the plough, or the equally respectable and useful mechanic who pushes the jack-plane, or follows some other useful occupation.

Resolved, That feeling the utmost confidence in the goodness of the cause which we advocate, we respectfully invite all our political opponents, who are not afraid of the light, to meet us in fair and honorable contest, with solid arguments, not with rotten eggs and trick bats, remembering that these are never taken up until reason has been abandoned. We too, could use them, but could we prove a single proposition by the most dexterous use of them? Let every rational individual judge.

Resolved, That we are willing to fraternize and act in concert with any individual, or number of individuals that is willing to adopt theoretically and practically, the principles contained in the Declaration of Independence, the constitution of the United States, and the constitution of our own state. But we will not unite our efforts with those who are hostile to those principles and laws, and therefore wish to import principles and laws from abroad to regulate and govern us.

Resolved, That henceforward untiring perseverance shall be our watchword.

On motion Resolved, That the editor of the Philanthropist be requested to give the Preamble and Resolutions an insertion in his paper, and request the Free Labor Advocate of Newport, Ind., to copy.

For the Philanthropist.

Mr. Hudson's Report.

Read at the Anniversary of the Ohio State Anti-Slavery Society, at Booningsburg, June 21st 1843.

In presenting the report of my agency thus far, I think it proper to state at the outset some of the obstacles which lay in my way when I commenced my labors, and which continue to confront me wherever I go.

Fearing these obstacles in mind, the Society will be better able to appreciate the little I have done, and to make due allowance for the lack of more splendid results. Among these obstacles, one of an uncontrollable magnitude was the hardness of the times. Often and often, have I been told by men of property and even wealth, that their money was unpaid, that they could not take their letters from the Post Office, begging to be trusted; and that they had not for months had a dollar in hand. Perhaps one half of the friends on whom I have called have told me they were deeply in debt, and knew not where to look for means to pay those debts which were absolutely pressing upon them. Under these circumstances the collection of money, or in fact the procurement of pledges to be redeemed in money hereafter, seemed almost out of the question.

2. Another great obstacle in the northern part of the state, has been and still is the almost unparalleled severity and length of the winter, and the consequently backward and unpromising spring. Most of the patrons of our cause are tillers of the soil. Farmers are willing to pledge on the basis of what they have and of what they hope to have. Now go to a man, whom the severe winter has stripped of all his hay and all his grain—who has involved himself in debt in buying back at a price largely augmented the very grain he sold last autumn, in order to keep his stock from starvation, and who will after all point you to the carcasses of fifty sheep, or to the hides of several cattle, or to the skeletons of the soil, which have died for want of several horses—which you may easily imagine that his pledges, for he can give no assistance now, will be exceedingly small. If you add to this, the fact, that the frost has seized his corn to the ground, and that the ungenial sky promises a meagre harvest, I ask what hope can you cherish that he will pledge any sum at all to say nothing of a munificent donation. In cases more than I could number, have I watched the changing features of some friend of the slave, and witnessed the signs of the approaching winter of poverty and benevolence, till my heart has ached and I could have wept, if tears could have removed the burden from the good man's heart.

3. Another obstacle has been and yet is (in the case of many) the want of a general acquaintance with the principles of the cause. In many cases, political abolitionists have not dared to go forward lest they should be thought to have assumed the whole direction of the cause,—and those who are opposed to political action, have declined exertion, lest they should after all only be playing into the hands of the "Third Party." This state of things, the refusal on the part of reformers to co-operate in the use of those measures which they all deem proper and important because they disagree in respect to some other, foolish and ridiculous as it is, has nevertheless great influence. I have found it, almost more discouraging than the severity of the winter or the hardness of the times.

With these obstacles to surmount, not to mention the general, though varying, opposition of the cause, all health, or the failure of appointments, sometimes through the mistakes of friends, sometimes through the treachery of men to whom notices were confided, I have for the last four or five months, for the advancement of the cause. Nearly every township in Lorain and Medina and in the western part of Cuyahoga counties have been visited, nearly 100 lectures have been delivered to audiences, varying from 15 to several hundred. About 300 subscribers to anti-slavery periodicals have been secured, and between \$700 and \$800 have been pledged to the cause. Nearly \$200 of which has been paid and the remainder is payable within the current year. I have circulated no tracts or volumes, for they were no where to be found in the region of my travels. I have as yet neither organized nor revived anti-slavery societies, for I deem it of little use to form societies without tracts nor volumes to work as to form military companies without arms to hear or ammunition to pour upon the foe. I have intended to form societies, and leave with me as extensive libraries as they are able to purchase.—The incalculable utility of libraries experience has fully demonstrated.

When my labors began, I looked forward with a faint trembling heart. At every step of my ways, however, I have been cheered with such tokens of good, that I have been constrained to thank God and take courage, to run and not weary to walk and not faint.

Among the features exhibited by the public mind, which I regard as indications highly favorable to our cause, are these:

1st. A great and wonderful mellowing down of the prejudices but yesterday barring the public heart against the principles of the anti-slavery cause. These prejudices reign in many minds now, but from thousands they have vanished entirely, and in almost all they are decaying that they only wait the thrill of some stirring event to be burst and thrown off forever. A few years and the light of freedom may fall, without a cloud to veil or distort its beams, full on the heart of the nation. And will it not kindle a flame never to be extinguished till slavery and its ten thousand pollutions shall be utterly consumed?

2d. Another circumstance of encouragement is this: a general conviction that the question of liberty and slavery is a question of the absorbing social question of the age and nation. This instinct is a prophecy and will insure its own fulfillment. And when the soul of this great people shall burst its story encasement, and throbb in bounding response to the great impulses that for thousands of years have never appealed to it in vain. When the serene tide of a nation's sympathy shall sweep away the dykes and embankments which slavery has cast up to shield its prison house, who shall ever shield its gory domination are not numbered?—Yes, "the rain shall descend and the floods come and beat upon that house, and it shall fall, and great shall be the fall of it."

3d. An increasing sense of dependence on God. This I am glad to believe, is deepening in many minds. "Let us trust in God." Israel trusted in Him and he led them forth through the sea, and over the desert, making for them a fountain and the heavens to drop with manna on their march, and the Canaan of their inheritance. "Let us trust in God." The Christians of Britain, trusted in God, and 600,000 emancipated men in the West India Isles mingled the shouts of their freedom with the thunder of the free surges that break on their shores. "They trusted in God, and the fetters have fallen from the limbs of 10,

I used to wonder so when I read of them. And now I have seen them, I will tell those Ohio friends who have not, that they are merely and simply cliffs of chalk. Mighty masses of that material, with the very finest stones we used to shoot Quails with, before percussion caps spoiled the flint trade, imbedded in, and projecting out of them. "The Needles" cliffs are 400 ft high to the light-house; all solid chalk, and their hoary aspect is the first feature of "the old world," which strikes the stranger, as the hoary head is of the old man.

When we approached Portsmouth, many small sail-boats came along side, and the watermen, I perceived by their attempts to bargain with our captain, lied promptly, like all porters and carriers; and by their slipping a box of contraband goods over the ship-side when the captain was out of sight, (a box which some one had secreted,) I perceived that they would smuggle like all borderers. A wretched race, those watermen—poor and polluted.

The agents' boat came along side, and half of the passengers left our good ship to go around by the channel 200 miles and more to London. Agents' boats landed us at a pier a stone's cast from the custom house, to give the watermen a job, who charged us half a dollar a piece, for sell and trunk, for taking us to custom-house wharf. Porters charged us a quarter each for taking up our trunks and putting them into the custom-house, across a narrow yard, say 20 feet from the water. I paid a cab man one dollar for taking self and trunk to rail-road depot, a distance half across Cincinnati. A stout fellow seized the trunk to put it upon the cab, and would have demanded another quarter dollar for lifting it, had I not bargained definitely with the cab-man before to take myself and trunk free and clear of all water-rats and other wharf vermin, and put us safely to the cars. I have reckoned up, entering the dollar, which is six cents too much for convenience to American readers. Thus I paid \$1.75 for getting half the distance across Cincinnati, which sum would have been just doubled had I not got rid of the extra shilling, and another man paid half the cab. The men were generally of fine physique in their persons; some of them bloated with drink; and I heard some of them cursing the Yankees for sharpers etc. etc. The custom-house officers I found less formidable than I expected. They examined our luggage particularly—ruffled our trunks but little and charged us no duty, though we gave them no bribe.

Portsmouth is a war town, full of port-holes looking forward towards France. The water along the town is called "Spit-head." Ills road of anchorage for ships. "The Royal George" you know, was sunk in this road, carrying down several hundred of seamen and prostitutes; a disaster both revolting and shocking. The wretched women amounting to several hundred, had gone on board from the town. Two hulks lay over the place where they sunk. By means of a diving-bell, men have got up most of the wreck, guns etc. etc. They are still at work; and the men who haul out the skeletons of those men and women from between the decks, are probably following the same ways which sunk the living bodies of the bones which they haul up.

I am glad I have got through Portsmouth, and I don't want my readers are. In leaving I will just say that Lord Nelson's old ship "Victory" lies there, and his tall monument stands in sight on the highlands back of the town. They are also completing a monument to him at Charing Cross, London. Lord Nelson's last sighs at death were given to a woman with whom he lived in open adultery. He was a warrior, and is buried in St. Paul's church; I expect soon to look on his grave. I am very glad there is a future world.

Now it would have done your heart good to get out of Portsmouth and the above thoughts, into a cushioned arm-chair, on the best regulated railway I was ever upon and, away, away for London; 50 miles in three hours. It rained, as it has done every day but one or two since I landed. But the sun shone between the fairy-green, little trees, little fat sheep, little horses, little farm houses, little canal, fifteen or twenty feet wide and little sparrows hopping up the little house tops, and little children, weeding little patches of grain; and all the little things which you see from Portsmouth to London, where you find big things enough. Every thing was so novel, so beautifully strange, and strangely beautiful, that I forgot my sea-sickness, and gazed myself into self-oblivion. I could see in the cramped fields and pinched houses I was passing, why my Yankee fathers, when they got where they had room, built "shingle palaces," for houses, in larger fields than they could till.

And now I am in London, the human menagerie of the world;—a cage of the British lion who was never tamed but once, you know by whom. And when I have been silent certain days, if permitted by providence, I will speak.

Ever Yours,
J. B.

Letters from Europe.—No. 3.

On the first day of 6 mo., I went to St. Paul's Church, (so called) for the purpose of attending an exhibition of the scholars, belonging to the charity schools of the Episcopal Church in London. Each school of children was marched to the house in procession; all dressed in uniform, and looking very beautiful. There were about six thousand children in attendance; but when I came there I learned that no person could be admitted, who had not previously obtained a card, twenty thousand of which had been gratuitously distributed, the object of which was, to prevent any portion of the house from being occupied, by persons belonging to what is here termed, the lower class, unless I suppose, I would go to the door at the West end, and there pay 2s 6d for admission. Not approving of the arrangement, which shut out even the parents of the children belonging to schools, I went on to a meeting for promoting Christian Union then sitting at Exeter Hall, a building which I suppose holds four thousand people; but on arriving there I found not only every seat occupied, but hundreds crowding the doors who were not able to gain admittance; after some time spent, in a fruitless effort, to get within hearing of the speakers, I turned away in despair; and yet rejoicing, at the evidence thus afforded that Christian professors, are beginning to seek for that religion, which the Lord Jesus Christ came to introduce into the world; the converts to which, he thus describes in his prayer to his Father, "That they all may be one; as thou, Father, art in me, and I in thee, that they also may be one in us, that the world may believe that thou hast sent me."

The debate in Parliament, on the Canada Corn Bill, has elicited much discussion, of the general question, of protection on the one hand, and free trade on the other. It is evident that Free trade principles are rapidly gaining ground here, and I apprehend the day is not far distant when we shall be permitted to send our surplus provisions to this country, to feed the poor, starving, laboring people, and then, it will unquestionably be our true policy to take British manufactures in return. As affording some evidence of the want of provisions in this country I will state a few items. Bacon Hams, are much lower than they have been for several years; the prices now vary, according to quality, from 10 to 17, the cut Pig's tongues at retail 15 to 18 cents each—Shrimp's tongues 1 cent each. Heads of ducks and chickens, 4 cents. Fresh eggs 25 cents a dozen. Old eggs, 20 for 25 cents. Some still older, 1

suppose must be nearly all rotten, 30 for 25 cents. American Newtown Pippins, 75 cents a dozen. Butter is now very cheap, a good quality is sold for 25 to 35 cents a pound. I see a great many women at the corners of streets with shrimps and snails for sale, but I have not inquired the price.

After all, this is a land, where perhaps one-tenth part of the people, enjoy more of the good things of the world, than are enjoyed by any equal proportion in any other land; while a very large majority of the people, absolutely suffer, for the want of the actual necessities of life; and a very considerable portion suffer all the miseries of the most extreme poverty, destitution and want. A stranger can scarcely walk twenty yards in the public streets, without being assailed by beggars, in the most piteous tones beseeching the bestowment of a penny to buy a morsel of bread. And what is still worse, the streets are literally thronged with pickpockets, so that if a person is not extremely careful, his pockets will be picked in one day before he is aware of it. I have had the misfortune, to have my handkerchief taken from my pocket, at mid day, in one of the most public streets in London, and after the rogue was fairly out of sight, a man told me that my pocket had been picked, and that he saw the thief running up a lane.

All this gives but a faint idea, of the misery and wickedness which result from the existing bad organization of society. Aristocratic pride and pomp, domination and misrule, subject the mass of the people, to poverty, suffering and crime. But yet there is a gleam of hope, that things will not always continue as they are. The School Master, the Printer, and the Philanthropist are abroad in the world. Light is breaking forth among the people; and the day will come, when under a new organization of society, all men will enjoy their just and equal rights; peace, prosperity and happiness will abound throughout the earth; and the human mind as well as the body, will be released from every thralldom, and to the enjoyment of the Liberty of the sons of God, will contemplate and enjoy, the beauties and the excellencies of the visible creation, and in spiritual communion, will rest in hope of the glories to be revealed in another world.

ARNOLD BUFFUM.

Letters from Europe.—No. 4.

Great news have just arrived from the East Indies. The Governor of the British Provinces there has abolished Slavery. Let all the world join in the chorus, with the heavenly host, in giving God the glory. Man is not doomed always to bow down the neck, under the yoke of a cruel task master. The genius of universal emancipation is abroad in the world, and the day draweth nigh, when man, created in the image of his God, shall stand redeemed, regenerated, and disenthralled. The Brazilian Legislature is also discussing the subject of abolition; and a gentleman from Cuba, gives it as his opinion, that slavery will be abolished there in less than two years. American Aristocracy, it seems to me, will then begin to hang its head, and if slavery has not obliterated every vestige of shame, even America, will be declared a land of Freedom.

Delegates are coming in from various quarters, to the great Anti-Slavery Convention, which commences next week. The venerable Thomas Clarkson, has consented again to preside over the deliberations of that body, and a very great interest is already manifested in its anticipated movements. The friends of human Liberty, and human improvement and happiness, look to it as exerting a powerful influence upon the destiny of the human race. May the aspirations of all Christians, go up to the Father of mercies, for his smiles and his blessing upon its labors.

On 2d day last I had the pleasure of calling upon Amelia Opie, at present residing in London. Though advanced in years, she is still in the enjoyment of a vigorous frame, and a sound and remarkably active mind. She expressed much sympathy, with that portion of the Society of Friends in America, who subject themselves to persecution from false brethren, by pleading the cause of poor, crushed, and bleeding humanity. Indeed, I am told by all the friends I meet with, that the sympathies of English Friends, are all on our side.

Yesterday, I had a brief interview with the American Ambassador in London, the Hon. Edward Everett. He received me most cordially, and after some conversation on the subject of the commercial intercourse between our country and England, he very kindly gave me a ticket, which will admit me to the House of Lords, when I can find a spare evening to witness that Aristocratic body, in its deliberations, for building themselves up, and perpetuating their pomp, and power, at the expense of the millions who are suffering in poverty and want.

We daily see here, some spirit of nobility, perhaps a mere boy or girl, riding out in a splendid coach, with two servants in livery on the seat before, and two standing on the footman's board behind; all to wait upon one aristocratic child, going out to make some morning calls. Indeed, the displays of wealth, and grandeur, for building themselves up, and perpetuating their pomp, and power, at the expense of the millions who are suffering in poverty and want. We daily see here, some spirit of nobility, perhaps a mere boy or girl, riding out in a splendid coach, with two servants in livery on the seat before, and two standing on the footman's board behind; all to wait upon one aristocratic child, going out to make some morning calls. Indeed, the displays of wealth, and grandeur, for building themselves up, and perpetuating their pomp, and power, at the expense of the millions who are suffering in poverty and want.

May the time soon come when a better spirit shall prevail among the nations of the earth, and when a better organization of society, shall secure to every one the fruits of its labor.

ARNOLD BUFFUM.

London, 6 mo. 8, 1840.

For the Philanthropist.

Dr. Bailey.—At a meeting of anti-slavery men and women in Marion county, the following preamble and resolutions were offered and unanimously passed, and a committee appointed to attend to the same.

Whereas the American Anti-slavery Society, is contemplating on holding a series of conventions in this state, this summer or fall. Therefore,

Resolved, That if such be called, that they be invited to hold one in this county, and we would oppose Mr. Gless, as the New School Presby.

Resolved, That the Anti-slavery Standard will please copy the above. On behalf of the committee.

DAVID WOOD.

Mr. Gless, 6 mo, 1840.

Law Intelligence.

OHIO—JULY TERM, 1843.

Jones vs. Vanzant.

Circuit Court of the U. States.

This action was brought by the plaintiff, a citizen of Kentucky, against the defendant, a citizen of Ohio; under the Act of Congress in regard to fugitives from labor.

The declaration contained nine counts.

1. That the plaintiff being a citizen of Kentucky, where slavery is established by law, owned nine slaves, (naming them) who without his license departed from his services and came to the defendant in Hamilton county, &c.

2. That the above slaves, &c., being fugitives from labor, came to the defendant in &c., who after notice that they were such fugitives, harbored and concealed them, &c., contrary to the statute, &c.

3 and 4. With slight variations, the same as above.

5. That the above slaves, &c., that the plaintiff by his agents then and there undertook to seize and arrest such slaves, as fugitives from labor, but was then and there knowingly and willingly obstructed and hindered &c., by the defendant from so doing, &c.

7. Charged the defendant with rescuing the fugitives from labor aforesaid, after they had been arrested, &c.

8 and 9. Were Counts in trover.

10. That the defendant harbored and concealed Andrew, a fugitive from labor, after notice, &c.

Jones—A witness called by the plaintiff, stated that the plaintiff owned nine negroes (naming them) and resided in Boone county, Kentucky. That the greater part of them were born his, and that he purchased the others. That on Saturday evening, the 23rd April, 1842, about nine o'clock, he was at the house of the plaintiff, and saw the negroes; the next day at about twelve o'clock he saw the same negroes, with the exception of two of them, in the jail at Covington. The plaintiff lives ten miles below Covington. Jackson, one of the absent negroes returned in a few days; but Andrew remained absent, and has not been reclaimed.

The plaintiff paid a reward to the persons who returned the negroes of four hundred and fifty dollars, and other expenses which were incurred, amounting in the whole to about the sum of six hundred dollars. Andrew was about thirty years old, and his services were worth to the plaintiff six hundred dollars. That he could be sold in Kentucky, for that sum.

Several other witnesses corroborated the statements of this witness, as to the ownership of the negroes, the reward paid, and the value of the services of Andrew.

Hefferman—A witness, stated, that he lives in Sharon, thirteen miles north of Cincinnati, on the road to Lebanon. That on Sunday morning a little after day-light, saw a wagon which was rapidly passing through Sharon. It was covered, and both the hind and fore part of the wagon were closed; a colored man was driving it. He saw the wagon belonged to the defendant, and his suspicion was excited. The witness and one Hargrave, another witness, started in a short time in pursuit of the wagon. They overtook it near Bates', about six miles from Sharon. The defendant lives near Sharon. On coming up with the wagon, the boy driving it was ordered by Hargrave to stop; he checked the horses, but a voice from within the wagon directed the boy to drive over him. The wagon horses were then whipped, running against Hargrave's horse which threw him off. The horses were driven in a run some two hundred yards, but at length were overtaken by the witness, who seizing the reins of the horses drove them up into a corner of a fence. The driver jumped off and ran some distance; Vanzant, the defendant, then came out of the wagon and took the lines, but the witness refused to let the horses proceed. Eight negroes were in the wagon; one of them called Jackson, and Andrew, the driver, escaped; the other seven were brought back to Covington and lodged in jail.

Hargrave—Accompanied the above witness in pursuit of the wagon, which he knew to belong to the defendant. Being acquainted with the defendant, he knew it to be his voice, which directed the colored boy to drive over the witness. That the wagon tongue being driven against the witness, he was thrown from the wagon, and the horses were driven on the run until overtaken and stopped. Seeing the defendant in the wagon with the negroes, the witness asked him, if he did not know they were slaves, but that they were born free. He said he was going to Springboro, a village in Warren county. This witness and also Hefferman stated the amount paid as a reward for bringing the negroes to Covington as above.

Hume—Very early on Sunday morning saw the wagon moving very rapidly, and two men upon horseback pursuing it near Bates'. Looked into the wagon after it was stopped, and saw the defendant in it with the negroes. He was asked if he did not know that they were slaves, and he replied that by nature they were as free as any other. Witness took the negroes to Covington in a wagon. Some time after this, he saw the defendant who said to him, if you had let me alone the negroes would have been free. He was then taken to the house of the defendant, where he was a Christian slave, to take slaves and set them at liberty.

Bates—A witness states that he went to the wagon after it had been stopped, looked into it, and saw the defendant with the negroes. The witness said Vanzant, is that you? replied they are a lot of runaways! The defendant replied, they are by nature as free as you and I.

The witness heard the defendant say that having been at market in the city of Cincinnati, he returned to Lane Seminary, a distance of two or three miles, to spend the night with Mr. Moore. That he left his wagon standing on the road, and when he came to it, about three o'clock the next morning, he found the negroes standing near it. That he did not know how they came there or where they wished to go. He had no conversation with them. He geared his horses, hitched them to the wagon, and the negroes got into it. He afterwards said that he had received the blacks from Mr. Alley.

McDonald—A witness stated that he heard the defendant say he received the negroes on Walnut Hills, the same place as Lane Seminary. That at 3 o'clock on Sunday morning he found the negroes standing near his wagon in the road; they got into it, and he started for home. That he rose early to have the cool of the morning.

Defendant said he had done right. That he would at all times help his fellow man out of bondage, and that what he had done he would do again.

Thurman—A witness stated, that he saw the defendant in the wagon with the negroes, the cover closed behind and before. The defendant said to Hefferman the negroes ought to be free, but he knew they were not. The defendant lives at Sharon, and this was six or seven miles beyond, on the road to Lebanon.

This is the substance of the facts proved, on which the counsel for the plaintiff rested the case. The evidence for the plaintiff being closed, a motion was made by the defendant's counsel, to overrule the testimony. This motion was argued on both sides with ability and great length.

Judge McLean, in giving the opinion of the Court on the motion, observed: It is proper first, to ascertain the precise character of the motion. By some of the counsel in the argument, it has been treated as a demurrer to the evidence; but it cannot be so considered. No demurrer has been filed, and should the motion be overruled the defendant intends to examine witnesses. A demurrer to the evidence, takes the case from the jury; the facts proved are admitted to be true, and every legal inference that can be drawn from them favors the plaintiff.

The motion is not technically for a non-suit. Such a motion would not be granted by the Court, where there was evidence conducing to sustain

the right of the plaintiff. The motion must then be considered as asking the Court to overrule the evidence; on account of its irrelevancy or inconsequence. No such motion is never granted where the evidence is competent, and it conduces to establish the case made in the declaration. The jury are the proper judges of the sufficiency of the testimony.

The range of discussion by the counsel on both sides, has not been restricted by the Court. It has embraced slavery in all its forms and consequences, the federal constitution, the act of Congress and the power of the States. It may be proper to notice some of the topics thus discussed, which have a bearing upon the case under consideration.

The nature of the action has been examined. It must be admitted, that it arises wholly under the constitution and act of Congress. Slavery is local in its character. It depends upon the municipal law of the State where it is established. And if a person held in slavery go beyond the jurisdiction where slavery is not tolerated, he becomes free. And this would be the law of these States, were the constitution of the United States adopted no regulation upon the subject.

Recapture has been named as a common law remedy. But that slavery existed in all the colonies, and that it was recognized in the original compact of the States, is a well established fact. It is not within the jurisdiction of the Supreme Court in regard to a surrender of captured slaves in the Amistad case, were made with reference to our treaty with Spain.

In our colonial governments and under the confederation, no general provision existed for the surrender of slaves. From our earliest history it appears that slavery existed in all the colonies, and at the adoption of the federal constitution it was tolerated in most of the States.

The constitution treats of slaves as persons. The view of Mr. Madison, who "thought it wrong to admit in the constitution, the idea that there could be property in men," seems to have been carried out in that most important instrument. Whether slaves are referred to in it, as the basis of property, as migrating, or being imported, or as fugitives from labor, they are spoken of as persons.

Property, real or personal, takes its designation and character from the law of the States. To do this was not the object of the federal constitution. It organized a federal government by securing certain delegated powers, and by imposing certain restrictions on the States. Among these restrictions it is provided that no State shall impair the obligation of a contract, nor liberate a person who is held to labor in another State from which he escapes. In this form the constitution protects contracts and the rights of the master, but it originates neither.

The traffic in slaves does not come under the constitutional power of Congress to regulate commerce among the several States. In this view the constitution does not consider slaves as merchandise. This was held in the case of *Graves v. Slaughter*, 15 Peters. The constitution no where speaks of slaves as property. But how does this affect the case under consideration. It is clear that when a person shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitives from labor, &c., or shall harbor or conceal such persons, after notice that he or she was a fugitive from labor as aforesaid, shall forfeit either of the said offences, forfeit and pay the sum of five hundred dollars, &c., saving moreover to the person claiming such labor or service, his right of action for, or on account of the said injuries, or either of them."

By the 3rd sec. of the act respecting fugitives from labor, it is provided, "that when a person held to labor in any of the United States, &c., under the laws thereof, shall escape into any other of the said States, the person to whom such labor is due, his agent or attorney may seize or arrest such fugitive, &c." And the 4th section provides, "that when any person shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitives from labor, &c., or shall harbor or conceal such persons, after notice that he or she was a fugitive from labor as aforesaid, shall forfeit either of the said offences, forfeit and pay the sum of five hundred dollars, &c., saving moreover to the person claiming such labor or service, his right of action for, or on account of the said injuries, or either of them."

As the first clause in the above section supposes the offender to come in contact with the claimant, or his agent or attorney, it is clear that where there is no evidence showing an authority from the claimant to those who arrested the fugitives, the second clause only of the section will be examined. The offence under this clause consists in harboring or concealing such fugitive, after notice that he or she had escaped from labor. What acts shall constitute this offence? What shall be a notice under the statute? That a formal written notice from the claimant, or his agent or attorney, is not required, must be admitted. Nor must the notice, verbal or otherwise, necessarily come from the claimant or his agent. Such a construction presupposes a knowledge of the individual who harbors or conceals the fugitives. At this stage of the case it is unnecessary to say more on this point than there is evidence before the jury which conduces to show that the defendant knew the negroes in question were fugitives from labor. Whether the proof is sufficient to establish this fact is a matter for the determination of the jury.

To harbor or conceal a fugitive in violation of the statute, the act must evince an intention to evade the vigilance of the master or his agents; and the act done must be calculated to attain this object. To relieve the hunger of a fugitive would not be within the statute, unless accompanied by acts showing a determination to disregard the law. There is evidence in the case conducing to show an intention by the defendant, and also to show acts calculated to give effect to such an intention. The sufficiency of this evidence, like that which regards the notice, will be referred to the jury.

The clause in the section, "saving to the claimant the right of action for the injuries received, beyond the penalty, presupposes a right of action to exist." The correctness of this will scarcely be questioned, when the constitutional provision on the subject is considered.

On this motion the question of damages need not be considered, nor the alleged defects in the declaration. These points may be considered in the future progress of the case. The Court overruled the motion.

An unsuccessful effort was made by calling witnesses to impeach the credibility of some of plaintiff's witnesses. The case was argued at great length and with much ability before the jury. After the close of the argument.

Judge McLean charged the jury as follows: The attention and patience with which you have heard this case, gentlemen of the jury, show that you appreciate its importance, and I doubt not that in deciding it, you will follow the dictates of an unbiased judgment. Here the Judge re-stated the evidence which may be omitted, as it is stated above.

The plaintiff does not seek redress for the injuries complained of, on any general principle, legal or equitable, of the common law. He relies on the constitution and the act of Congress as the foundation of his right.

The 2d sec. of the 4th article of the constitution declares that "no person shall be held to service or labor in one state, under the laws thereof, escaping into another; shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up

on claim of the party to whom such service or labor may be due.

And the 3d and 4th sections of the act of Congress of the 12th Feb. 1793, as above cited, define more particularly the rights of the master and provide for him modes of redress.

The 7th and 8th counts, which were in trover have been abandoned. These counts state that the slaves were casually lost; in Boone county, Kentucky, by the plaintiff, and that they came into the possession of the defendant, a citizen of Ohio. Now if the slaves left the service of the plaintiff with his consent or in any other mode except as fugitives from labor, and came into the possession of the defendant as alleged, the plaintiff has no right to the service, and still less to recover from the defendant their value.

The 6th count which charges the defendant with having rescued the slaves, after they were seized by the agents of the plaintiff, has also been abandoned. There is no evidence which tends, in any degree, to show a rescue.

The 5th count charges the defendant, under the first clause of the 4th section of the act, that he knowingly and willingly obstructed and hindered the agents of the plaintiff in seizing or arresting the fugitives. That the defendant resisted to the utmost of his power the arrest of the negroes by Hefferman and Hargrave is undoubted. But in this did the defendant violate the law? The persons, who make the seizure had no authority from the plaintiff. And it is the obstruction or hindrance to the arrest, by the claimant his agent or attorney, that incurs the penalty under the above clause of the statute and also subjects the party to damages for the injury. The evidence then, the defendant to the arrest by Hefferman and Hargrave, was in no sense a violation of the statute. They acted without authority and had no legal right, therefore, to make the arrest.

But it seems from the evidence that the plaintiff, when the negroes were returned, ratified the acts of Hefferman and Hargrave in making the arrest. And here the question arises whether a subsequent ratification can legalize the arrest.

That the subsequent ratification legalizes the original transaction is a general principle in agencies. And in this case it is unquestionably good as between the plaintiff and his agents. But the inquiry is, whether such subsequent ratification can have relation back, so as to affect the acts of the defendant. Can it so change the nature of the defendant's acts as to subject him to a penalty, which was not incurred prior to such ratification. Most clearly it cannot. The statute under consideration is a penal one, and consequently, must be construed strictly. It is not within the legislative power to make an act penal which was not so when it was done. Much less can such an effect result from the ratification by the plaintiff in the present case.

We must look to the other counts in the declaration which charge the defendant with harboring and concealing the negroes, after he had notice that they were fugitives from labor. If the evidence shall not sustain these counts, the plaintiff must acquit. The plaintiff is bound to show that the defendant harbored or concealed the negroes, after he had notice that they were fugitives from labor.

And first as to the fact of notice. In Kentucky and every other State where slavery is sanctioned, every colored person is presumed to be a slave. This presumption arises from the nature of their institutions, and from the fact that, with few exceptions all the colored persons within those States are slaves. On the same principle every person in Ohio, or any other free State, without regard to color, is presumed to be free. No presumption, therefore, arises from the color of these fugitives alone, that the defendant had notice that they were slaves.

A notice in writing to the defendant was not necessary, nor any special notice from the plaintiff, his agent or attorney. But if, at the time the defendant was connected with these negroes, he had a full knowledge of the fact, however acquired, that they were slaves and fugitives from labor, it is enough to charge him with notice. You must satisfy yourselves on this point by an examination of the evidence. The fact must be clearly proved, and if it be so proved, it would be a reproach to the law and to the administration of justice, to hold that the notice was insufficient.

What shall constitute a harboring or concealing under the statute. This offence is not committed, in my judgment, by treating the fugitive on the ordinary principles of humanity. You may converse with him, relieve his hunger and thirst, without violating the law. In short, you may do any act which does not show an intent to defeat the claims of the master. But any overt act which shall be so marked in its character, as not only to show an intention to elude the vigilance of the master, but calculated to attain such an object, is a harboring of the fugitive in violation of the statute. It is clearly within the mischief it was designed to prevent.

To constitute the offence under the statute, it is not necessary to incarcerate the fugitive in a dungeon or room; if he be taken in a wagon and conveyed from the shore of the Ohio to the shore of Lake Erie which enables him to escape into Canada, I suppose no one could doubt that the individual had made himself responsible. And if carrying the fugitive the whole of this route under the statute, it is clearly within the principle of the conveyance of him and a part of the principle shall cause the loss of his services to the master would equally incur liability.

The damages claimed by the plaintiff consist of the sum of four hundred and fifty dollars paid as a reward to Hefferman and Hargrave, and other expenses, amounting in the whole to about six hundred dollars. And also he claims the value of the services of Andrew, who has been lost to the plaintiff. Those services are estimated by the witnesses to be worth six hundred dollars. It is clear that the sum claimed could have been realized by the plaintiff for the boy.

Under the statute you will observe that a penalty of five hundred dollars is incurred for harboring or concealing a fugitive, which the party injured may recover, but the present action is not for this penalty. In this suit the plaintiff is only entitled to recover the damages he has actually sustained, by the acts of the defendant. You will first determine whether the proof under the principles here laid down entitle the plaintiff to recover. And if he be so entitled, then you will consider the amount of the damages.

It is earnestly contended by the defendant's counsel, that as Hargrave and Hefferman were kidnappers and violators of the law of the State in arresting the negroes; that they were entitled to no reward, and that the payment of it by the plaintiff does not entitle him to remuneration.

The principle is recognized that the commission of a crime or an agreement to commit an unlawful act, does not constitute a good consideration for a contract which is void at its birth. But this principle does not apply to the point under consideration. It may be admitted that Hefferman and Hargrave were trespassers, if nothing more, in seizing the wagon of the defendant; but the inquiry is, whether by the laws of Kentucky, the plaintiff was not bound to pay to Hefferman and Hargrave, for the return of the fugitives. There is no doubt of this, as the law of Kentucky is explicit on the subject.

If then the plaintiff by the law of Kentucky is obliged to pay the sum, and if such obligation resulted from the acts of the defendant, it would seem that the plaintiff may claim indemnity for such an injury in this incidental mode we cannot try the guilt or innocence of Hargrave or Hefferman. We can only judge of the acts of the defendant, and to what extent he injured the plaintiff.

Unless you should be clearly satisfied, gentlemen, that the defendant, after notice that the negroes were fugitives from labor, did harbor or conceal them within the statute, you will find for the defendant. But if you shall find that the defendant has violated the law, then you will find for the plaintiff the damages he has suffered from such violation of the law and of his rights by the defendant. To authorize such a

verdict, you must believe, that by the acts of the defendant, the plaintiff has been compelled to pay the reward stated and the other expenses, and also that he has lost the services of the colored man Andrew.

If the evidence showed that the defendant had taken the negroes from the farm of the plaintiff in Kentucky, and conveyed them through Ohio until arrested, there would seem to be no doubt of the plaintiff's right to the damages he claims. But there is no proof that the defendant took the negroes from Kentucky. On the contrary it appears, by his own confession, that he received them at the Walnut Hills near Cincinnati. Still if you shall find the defendant liable under the statute, and that the full amount of the injury complained of has been done to the plaintiff by the defendant, it will be your duty to find accordingly.

Gentlemen, in the course of the argument much has been said of slavery in the abstract, of abolitionism, of associations with the view of promoting the abolition of slavery and of acts growing out of these exciting topics, which have no direct connection with the issues before you. Gentlemen, individually or collectively, have a right to express their opinions, and to discuss any subject in which they may feel an interest. Unpopular and foolish as it would be, for individuals to form association to alter the constitution of Ohio and annul the ordinance of 1787, so as to admit slavery into the State, yet I suppose no one would question their right to do so. And so long as they should confine themselves to topics of discussion, however erroneous, still they would be obnoxious to no legal penalty. But if they should attempt to subvert the law, by a clandestine introduction of slaves into the State, every good citizen would say, they should suffer the penalties for such an offence. I know of no association whose avowed object is to subvert the law, unless it be one in a neighboring State, which I have noticed since the commencement of this trial, and which it seems, pledges itself to oppose by force the execution of a certain law.

In the course of this discussion much has been said of the laws of nature, of conscience, and the rights of conscience. This monitor, under great excitement, may mislead and always does mislead when it urges any one to violate the law. Paul acted in all good conscience; when he consented to the death of the first martyr; and also when he bore letters to Damascus, authorizing him to bring bound to Jerusalem all who called upon the name of Jesus.

I have read to you the Constitution and the Act of Congress. These bear the impress of the nation. The principles which they lay down and enforce, have been sanctioned in the most solemn form known in our government. We are bound to sustain them. They form the only guides in the administration of justice.

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A Tavern Keeper disturbed—Caution for the Holidays.

At that moment, the attention of all was called to a woman, who walked rapidly out of the meeting-house, with her head bowed down, and her handkerchief before her eyes. "Dear me," said the aspirant, "as he looked at her attentively, 'I'm very uneasy; if I'd known that woman was here, I should have been more careful. I thought she was settled in Hopville. That's Hagreedy's sister, the very one that he used, when she was a child, to send to your bar, neighbor Killen, for rum.' I wish to know, if it is excommunicated me."

UP AND DOWN.—A few days ago the thermometer in Philadelphia stood at ninety-six in the shade, but in less than a week it was down to ty-six. Quite a difference.

TO FAMILIES & INVALIDS.

forms, this remedy could not by possibility do hurt—always good as a purgative—let the disease be what it is. How important then to use it, and who will dare the responsibility to do without it? Let every physician that is not a brute, ask this question in truth and soberness.

THE PLEASANTEST, CHEAPEST, AND BEST IN 7

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... the curative action on the

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